Court No. 2

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

First Appeal No. 780 of 2001
(Old No. 445 of 1995)

Oil and Natural Gas Corporation,
through the Chief Manager (P. & A.)
Tel Bhawan, Dehradun.

..... Appellant.

Versus

(1)The State through Collector, Dehradun
(2)Anurag Sharma S/o late Sri Lalit Prasad Sharma
R/o 235 Garhi Cantt, Dehradun.
(3)Smt. Raj Kumari W/o late Sagar Chand,
(4)Sri Mukesh Chand Arora S/o late Sri Sagarchand,
(5)Sri Ramesh Chand Arora S/o late Sri Sagarchand,
(6)Sri Pradeep Arora S/o late Sri Sagar Chand
(7)Smt. Vijay Arora D/o late Sri Sagar Chand,
(8)Km. Kiran Arora D/o late Sri Sagar Chand,
(9)Km.Madhu Arora D/o late Sri Sagar Chand,
Residents of 1313 Ballupur Road, Dehradun.

.....Respondents.

Sri L.P.Naithani, learned Senior Advocate for the appellant.
Learned Standing Counsel for the State.
Sri Ram Ji Srivastava Advocate the private respondents

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Dated: 17th August, 2004

Hon'ble P.C.Verma,J.
Hon'ble B.S.Verma,J.

This appeal has been preferred by the appellant-O.N.G.C. against the award dated 20th May, 1995 made by the II Additional District Judge, Dehradun in Land Acquisition Reference Nos. 408 of 1989 made under Sec. 18 of the Land Acquisition Act for enhancement of the Compensation.

The ground on which the appeal has been pressed is that the opposite party-O.N.G.C. was not heard by the reference court and no notice was issued to it as the

compensation is to be paid by the O.N.G.C. which is a necessary party in the case. In view of the law laid down by the Apex Court in ***(1995) 2 Supreme Court Cases page 326, U.P.Awas Evam Vikas Parishad versus Gyan Devi (Dead) by Lrs. And others,*** the authority/company has right to appear and adduce evidence in proceedings before reference court for determination of compensation.

Therefore, on this point we allow the appeal and remand the matter to the reference court to decide the reference taking into account the evidence led by the parties. Till the decision in the reference case, the amount deposited in the appeal shall remain deposited and the payment made shall not be recovered. The reference court is directed to decide the case within a period of two months from the date of production of certified copy of this order by the appellant.

(B.S.Verma,J.) **(P.C.Verma,J.)**

P.Singh